

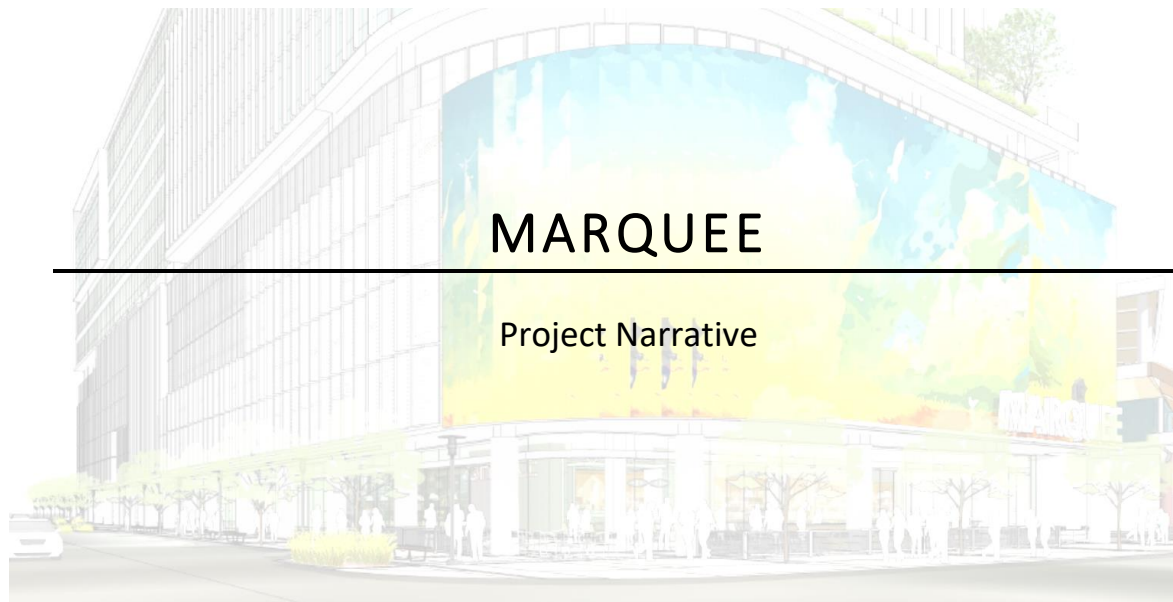


Application

Narrative

Cash Transmittal

Development Standards



# SMITHGROUP

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On behalf of:



*Stockdale Galleria Land Owner, LLC & Stockdale Galleria Project Owner, LLC*

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# 1. Introduction

## Project History and Goal

On May 10, 2016, the Scottsdale City Council approved a rezoning and Development Plan (Case No. 7-ZN-2015) to enable the development of a new, Class-A office building dubbed “Marquee” at this preeminent, downtown Scottsdale location. After re-evaluating market conditions and considering the recently updated goals and policies of the newly approved Old Town Character Area Plan, the property owner and developer, Stockdale Galleria Land Owner, LLC and Stockdale Galleria Project Owner, LLC (“Stockdale”), has decided to amend the building design and incorporate the adjacent Galleria property into the application. No major changes are planned for the Galleria at this time, just cosmetic upgrades and improvements. The updated Marquee design includes building height up to 150 feet to incorporate additional floors of office space and additional ground-level retail along Shoeman Lane. The garage is still fully incorporated within the building architecture and the updated design includes more opportunities for outdoor balconies, patios and gathering areas to meet the needs of today’s discerning, Class-A office users. The project is an improved version of the previous approvals. The goal is still to deliver the highest quality office product possible to help attract and retain highly sought-after companies and employees to Scottsdale while working in unison with the adjacent Galleria property.

## Location

The Marquee is located at 4419 N. Scottsdale Road at the southeast corner of Scottsdale Road and Shoeman Lane, Assessor’s Parcel No. 173-41-007A, -011, -010, and -264 (the “Marquee properties”). The site totals roughly 2.63 gross acres (1.93 net). The Galleria is located immediately adjacent at 7280 E. Stetson Drive, Assessor’s Parcel No. 173-41-266, -267, -268, and -269 (the “Galleria properties”). The Galleria site totals roughly 6.68 gross acres (6.29 net). Combined, the site is roughly 9.31 gross acres (8.22 net). The Galleria site is improved with existing office uses and associated parking. The Marquee site is currently vastly underutilized with nearly 90% of the site unimproved or used for inefficient vehicle maneuvering or parking.

## Request

This application requests an amendment to the existing, approved Development Plan and Amended Development Standards for the Marquee properties while updating the antiquated zoning designations for the Galleria properties. The Marquee Property is currently zoned Downtown/Downtown Multiple-Use Type-2, Planned Block Development, Downtown Overlay (D/DMU-2, PBD, DO). This zoning designation will not change except for updating to reflect the new Type-3 designation assigned to the Property by the Old Town Scottsdale Character Area Plan (D/DMU-3, PBD, DO).

The Galleria properties are currently zoned Downtown/Regional Commercial Office Type-2, Planned Block Development, Downtown Overlay (D/RCO-2, PBD, DO). This nomenclature and Type-2 designation are outdated. “Regional Commercial Office” was changed to “Downtown Regional Use” in the 2012 ordinance update, and the updated Character Area Plan now assigns a Type-3 designation to these

properties. Accordingly, this application will amend the Galleria zoning designation to Downtown/Downtown Regional Use, Planned Block Development, Downtown Overlay (D/DRU-3, PBD, DO). The Amended Development Standards granted to the Galleria properties in 1987 (101-ZN-87) and updated in 2016 (30-ZN-1990#2), will remain in place. The Marquee properties and Galleria properties will share the same PBD overlay, allowing for a more cohesive development site.

## 2. General Plan Conformance

The General Plan Conceptual Land Use Map designates the Property as Mixed-Use Neighborhood and as being within the Old Town Character Area Plan. Mixed-Use Neighborhoods are located in areas with strong access to multiple modes of transportation and major regional access and services and provide an opportunity for a mix of uses. The Old Town Plan provides more detailed direction for the development of the Property and is discussed further in Section 3 below; however, the General Plan does present several appropriate Goals and Approaches for the Property.

### General Plan Land Use Goals and Approaches

***No. 1 - Recognize Scottsdale's role as a major regional economic and cultural center, featuring business, tourism, and cultural activities.***

- ***Strengthen the identity of Scottsdale by encouraging land uses that contribute to the character of the community and sustain a viable economic base.***
- o The proposal will help strengthen the identity of Scottsdale by sustaining a viable economic base. In recent years, Downtown, and especially the Galleria Corporate Centre, has been transformed into an economic center for the City and the region by quickly becoming a desired location for up-and-coming and innovative companies. However, the amount of available office space suitable to court these sought-after tenants is highly limited. This proposal will directly address that issue by adding roughly 250,000 leasable sqft of new office space and 21,000 sqft of retail space to help ensure Scottsdale maintains a strong economic base for years to come. The new Marquee building will compliment and work in unison with the existing Galleria buildings to provide a wide spectrum of office space options for new and existing businesses. While the Galleria has become a hub for technology and innovation companies of a variety of sizes that require flexibility as they adjust and grow, the Marquee building will provide more traditional, large floorplate office space for more established companies.

***No. 4 - Maintain a balance of land uses that support a high quality of life, a diverse mixture of housing and leisure opportunities and the economic base needed to secure resources to support the community.***

- ***Support jobs/housing balance by integrating housing, employment, and supporting infrastructure in mixed-use centers located at appropriate locations.***
- o Downtown and the adjacent areas have seen a high influx of residential development and density in recent years. The provision of additional, quality employment opportunities and supportive retail uses will help to maintain a positive balance. The mixed-use nature of the projects is appropriate for this downtown location.

***No. 5 – Development land use patterns that are compatible with and support a variety of mobility opportunities / choices and service provisions.***

- ***Provide a balance of live, work, and play land uses and development intensities that enable convenient non-automotive trips where environmentally and physically feasible.***

- ***Encourage land uses with the highest intensity be located in areas conducive to alternative modes of transportation.***
- o The higher intensity use is ideally located in the heart of downtown adjacent to the major intersection of Scottsdale and Camelback Roads where numerous alternative modes of transportation abound. Additionally, the mixed-use nature of the proposal and proximity to other such uses enables convenient, non-automotive trips. Residents of new residential projects in Downtown can easily walk or bike to the new office or retail uses provided.

***No. 7 - Sensitively integrate land uses into the surrounding physical and natural environments, the neighborhood setting, and the neighborhood itself.***

- ***Focus intense land uses along major transportation networks (such as the Pima Freeway and major arterial streets) and in urban centers (such as Downtown and the Airpark). Less intense land uses should be located within more environmentally sensitive lands.***
- o The proposal is a more intense land use which is ideally situated along a Major Arterial (Scottsdale Road) and within an urban center (Downtown). This proposal will enable new, sought after office uses to maintain a presence in Downtown in lieu of pushing this preferred land use to other, less accommodating and more environmentally sensitive areas - or worse, pushing the use to other municipalities or States

### 3. Old Town Character Area Conformance

The Old Town Character Area Plan (previously the “Downtown Character Area”) serves as the comprehensive policy document that guides growth and development decision for Downtown Scottsdale. An update to the plan was approved by City Council in 2018, changing the “Development Type” of the Property from Type-2 to Type-3, the most intense Development Type available in the downtown area. Type 3 developments are designated for greater scale, height, and intensity. The proposal complies with and advances numerous stated goals of the Old Town Plan as outlined below.

#### ➤ Old Town Land Use (“LU”) Goals

##### **GOAL LU 1:**

***MAINTAIN OLD TOWN SCOTTSDALE AS THE COMMERCIAL, CULTURAL, CIVIC, AND SYMBOLIC CENTER OF THE COMMUNITY.***

##### **Policy LU 1.2**

*As a General Plan-designated Growth Area, Old Town should accommodate future growth, new development, and redevelopment, with increased focus on enhanced transportation and infrastructure coordination.*

**Response:** This Goal and Policy are at the heart of this proposal. The approval of this application will enable Old Town to accommodate future growth and development in an efficient manner. The project effectively uses an infill site with a mixed-use project that will help Old Town remain competitive in local, regional, national and international markets by providing much-needed, high-quality office space.

##### **Policy LU 1.3**

*Maintain Old Town as a year-round, seven days a week, 18-hour Mixed-Use Neighborhood that supports the needs of Scottsdale’s residents, businesses and visitors.*

**Response:** The proposal will help further Old Town as a year-round, seven day a week, 18-hour neighborhood. The ground floor retail will serve the needs of local residents, businesses and visitors, while the office space will provide daytime activity and much needed employment opportunities in the Old Town area.

##### **GOAL LU 2:**

***ENCOURAGE THE DEVELOPMENT OF OLD TOWN AS A COLLECTION OF MIXED LAND USES AND DISTRICTS.***

##### **Policy LU 2.3**

*Encourage new development, redevelopment and infill that strengthens Old Town Scottsdale’s mix of activities through the development of mutually supportive land uses within Downtown Multiple Use areas. The majority of the properties within the Old Town Plan boundary are Downtown Multiple Use.*

**Response:** This project represents mutually supportive land uses and will strengthen Old Town’s

mix of activities. Over 21,000 sqft of ground floor retail will blend seamlessly with existing street-front retail while over 250,000 sqft of new office space will help further daytime activity in the area. The new Marquee project will complement the existing Galleria buildings by providing a more diverse selection of office space options for new and existing businesses. The Galleria has become a hub and incubator for technology and innovation companies of a variety of sizes that require flexibility as they adjust and grow. The Marquee building will provide more traditional, large floorplate office space for more established companies.

**GOAL LU 3:**

***CONTINUE THE USE OF DEVELOPMENT TYPES TO GUIDE THE PHYSICAL AND BUILT FORM OF OLD TOWN SCOTTSDALE.***

**Policy LU 3.4**

*Support the highest scale Type 3 development generally north of the Arizona Canal, south of Main and Second Streets along both the Goldwater and Drinkwater Boulevards' southern curves, and east and west of the intersection of Scottsdale Road and Drinkwater Boulevard.*

**Response:** The proposal is in-line with the designated Type-3 development which encourages higher-scale development at this location.

**GOAL LU 4:**

***ENCOURAGE PERIODIC REVIEW AND ASSESSMENT OF OLD TOWN REGULATIONS.***

**Policy LU 4.4**

*To assist the community in achieving the Old Town vision as established by this plan, the provision of public amenities and benefits should be provided when development bonuses such as increased floor area, greater density, greater height, transfer of development rights, and/or street/alley abandonment, are being considered.*

**Response:** The 2016 approvals includes requests for Amended Development Standards and corresponding public benefits. The updated proposal maintains those standards and public benefits while being updated to reflect the new project and updated ordinances. See Section 7 below for further information on Amended Development Standards and public benefits.

➤ **Old Town Character & Design ("CD") Goals**

**GOAL CD 1:**

***STRENGTHEN AND ENHANCE OLD TOWN DISTRICT CHARACTER WITH CONTEXTUALLY COMPATIBLE DEVELOPMENT.***

**Policy CD 1.1**

*Incorporate the distinctive qualities and character of the surrounding, and/or evolving district context into building and site design.*

**Policy CD 1.2**

*Encourage public and private development to establish new urban design and architectural character in areas where downtown development patterns are fragmented or are in transition.*



**Policy CD 1.5**

*Maintain the pedestrian oriented small-town character and human scale in the Downtown Core. Incorporate similar elements of pedestrian character and scale at the street level in all downtown districts.*

**Response:** The project transforms a piece of property that is currently a void within the context of the Downtown area and creates a commercial product that promotes a walkable environment and employment opportunities. This project enhances compatibility by expanding the areas of pleasant, pedestrian activity and serves to connect current commercial districts within the Downtown fabric. Thoughtful use of building articulation and massing create a modern, visually interesting structure that complements the built environment without blending in or creating a sense of monotony.

Maintaining a pedestrian, human scale at street level is a core design concept for the proposed project. The recessed ground floor provides a colonnade with a completely shaded walkway along Shoeman Lane, with large-caliper trees along the curb line providing additional shade and a more pleasant pedestrian environment.

First-floor programming will activate the street frontage on both Shoeman Lane and Scottsdale Road. Opportunities for food & beverage, retail, and lifestyle will create a vibrant, welcoming atmosphere that will enhance the Downtown Core and facilitate a more walkable, pedestrian-oriented environment.

**GOAL CD 3:**

***OLD TOWN DEVELOPMENT SHOULD RESPECT AND RESPOND TO THE UNIQUE CLIMATE AND CONTEXT OF THE SOUTHWESTERN SONORAN DESERT.***

**Policy CD 3.1**

*Promote downtown urban and architectural design that is influenced by, and responds to, the character and climate of the Sonoran Desert.*

**Policy CD 3.2**

*Enhance outdoor pedestrian comfort through the creation of microclimates that incorporate a variety of shade, trees, and other drought tolerant landscape features to create passively cooler temperatures.*

**Policy CD 3.3**

*Pursue building and development strategies that reduce the heat island effect within downtown.*

**Response:** The east/west orientation of the proposed building reduces the solar impact on the building itself, as well as the reflected solar impact on the surrounding built environment. As described above, the recessed first floor frontage along both Shoeman Lane and Scottsdale Road provide a large shaded walkway for pedestrians throughout the year. Large canopy trees along the street frontages, combined with the shaded walkways, will help promote passive cooling – particular in the warmer months of the year.

**GOAL CD 4:**

**CREATE A DYNAMIC AND CONNECTED WALKABLE DOWNTOWN THROUGH URBAN AND ARCHITECTURAL DESIGN.**

**Policy CD 4.1**

*Encourage urban and architectural design that is human scale and provides pedestrian comfort.*

**Policy CD 4.2**

*Retain and expand the tradition of covered walkways in Historic Old Town. Encourage the use of covered walkways, cantilevered awnings, and tree canopies in all other districts.*

**Policy CD 4.3**

*Improve the pedestrian experience on arterial roadways with features such as increased and consistent sidewalk width, shade, trees, on-street parking, landscape buffers, landscape medians, and pedestrian refuge islands.*

**Response:** As described above, cultivating a welcoming, vibrant street-level pedestrian experience is one the primary design focal points of the proposed project. The shaded walkways, benches, tree-lined streets, on-street parking on Shoeman Lane, bicycle parking, and active retail frontage along both Scottsdale Road and Shoeman Lane provide an inviting, energetic pedestrian experience that will re-energize a long-neglected property in Old Town Scottsdale. Marquee will extend and enhance the walkable environment created and cultivated by the Scottsdale Waterfront, providing additional opportunities for residents and visitors alike to explore, shop, eat, drink, and wander.

**GOAL CD 6:**

**CREATE SAFE, COMFORTABLE, AND INTERESTING STREET SPACES.**

**Policy CD 6.1**

*Create a unified public realm experience through the design of downtown streets, building setback areas, and building frontages.*

**Policy CD 6.2**

*Connect downtown street spaces with other pedestrian spaces and linkages.*

**Policy CD 6.3**

*Streetscapes should provide continuity for the pedestrian across different developments along the same street. This continuity can be established through the provision of consistent landscape improvements, street tree themes, shade elements, decorative paving, street furniture, public art, and other integrated infrastructure elements.*

**Policy CD 6.4**

*Use development standards, related exceptions, and urban design guidelines regarding building location and setback to enhance the context, rhythm, and features of streetspaces.*

**Policy CD 6.6**

*Create, or maintain, a defined building location to establish the public realm with a clear visual identity, and activate storefront areas to increase pedestrian comfort.*

**Response:** The proposed project utilizes a range of tools to provide a comfortable, unique, and interesting streetscape. The recessed first-floor building frontage provides covered walkways for the street-level retail experience along Scottsdale Road and Shoeman Lane, offering a measure of continuity with the surrounding built environment and covered-walkway retail theme throughout Old Town Scottsdale. Large canopy, drought-tolerant trees along the street frontages match many of the tree-lined streets meandering throughout the area. Benches and bike parking along the walkways provide convenient opportunities for rest.

Street-level building programming will activate the street frontages with retail and food & beverage opportunities, bridging the gap between the retail experience around the Scottsdale Waterfront to the west and the hospitality, restaurant, and nightclub opportunities to the east. Marquee fills a critical gap in the Old Town streetscape, facilitating a continuous, active pedestrian experience from east to west.

**GOAL CD 7:**

***INCORPORATE A REGIONAL LANDSCAPE PALETTE THAT COMPLEMENTS THE URBAN AND PEDESTRIAN CHARACTER OF OLD TOWN.***

**Policy CD 7.1**

*Old Town open space and landscape elements should project a desert oasis character, providing an abundance of shade, color, varied textures and forms.*

**Policy CD 7.2**

*Landscape materials should complement the built environment, land uses, and other downtown activities. Careful selection of downtown plant materials should take into account attributes such as scale, density, placement, arrangement, and maintenance requirements.*

**Response:** The proposed landscape plan offers a mix of large-canopy mesquite and palo brea trees along the street frontages – both of which are common along the tree-lined streets of Old Town. Shrubs, accents, and groundcover are consistent with the climate and character of the Sonoran Desert. Agave, aloe, yucca, and night-blooming cereus enhance the desert character of the landscape, with purple lantana, verbena, and thunder cloud sage providing color and vibrancy. All proposed landscaping is drought tolerant and consistent with the desert climate and landscaping throughout Old Town Scottsdale.

**GOAL CD 9:**

***IMPLEMENT HIGH QUALITY URBAN AND ARCHITECTURAL DESIGN IN OLD TOWN.***

**Policy CD 9.2**

*Incorporate the Scottsdale Sensitive Design Principles and the Old Town Urban Design and Architectural Guidelines in all development.*

**Policy CD 9.3**

*Achieve high quality urban and architectural design through the development review process.*

**Response:** The project incorporates many of the Scottsdale Sensitive Design Principles and the Old Town Urban Design and Architectural Guidelines, some of which are further discussed in Section 4 below. The building design is sensitive to the existing and evolving context of the area. Buildings of greater height and intensity exist and are planned in this area along the major intersection of Scottsdale and Camelback Roads and along the canal. The project's covered colonnade along Scottsdale Road mimics that of the adjacent Galleria to provide a comfortable transition. The public realm and streetscape along Shoeman Lane will be vastly improved to provide a comfortable, east-west connection with continuity of landscaping, decorative paving and other streetscape elements. The shaded colonnade along these frontages reflect a design sensitive to the human scale and feature the desired indoor-outdoor connections both visually and physically with glass fronted restaurant/retail spaces that spill onto the exterior patios.

**GOAL CD 10:**

**INCORPORATE SUSTAINABLE BUILDING PRACTICES IN OLD TOWN DEVELOPMENT.**

**Policy CD 10.2**

*Incorporate sustainable planning, design and building techniques into downtown development and use durable indigenous materials that will endure over time, to minimize environmental and maintenance impacts.*

**Policy CD 10.3**

*Encourage green building and biophilic design strategies such as building orientation, passive solar and cooling techniques, natural daylighting, and the integration of regional plant materials as part of downtown development.*

**Response:** As described above, east/west building orientation reduces the solar impact on the building, as well as the reflected solar impact on the surrounding built environment. The northern orientation of the primary building frontage minimizes solar exposure for the majority of the year. Limited, sunken openings on the east and west façade block the morning and late afternoon sun. A series of horizontal and vertical shade elements protect the glazing while also providing interesting shade patterns. The recessed first-floor frontage along Shoeman Lane and Scottsdale Road provide passively-cooled, year-round shaded walkways. Energy-efficient glazing provides abundant natural light to the open floor planned office spaces while mitigating solar impact.

➤ **Old Town Mobility (“M”) Goals**

**GOAL M 2:**

**CREATE COMPLETE, COMFORTABLE AND ATTRACTIVE PEDESTRIAN CIRCULATION SYSTEMS.**

**Policy M 2.2**

*Encourage pedestrian oriented design that includes pedestrian comfort amenities such as trees, shade, seating, shelter, wayfinding and lighting, to encourage strolling, lingering, and promenading, especially in areas where there is a high concentration of pedestrian activity.*

**Policy M 2.4**

*Develop an attractive, interconnected network of safe and walkable pedestrian linkages to, within, and between downtown districts.*

**Response:** The existing public realms along Scottsdale Road and Shoeman Lane severely lack even the basic principles of pedestrian oriented design and comfort. What should be an easy and comfortable connection from Scottsdale Road into the entertainment venues to the East, is instead a disconnected and uninviting experience. The sidewalks are small, shade is virtually non-existent, and landscaping is sparse. The proposal will vastly improve these conditions. The ground floor retail along Shoeman will be recessed with the office levels above protruding out to provide a shaded and comfortable colonnade. New landscaping, trees and tree grates and lighting will greatly improve pedestrian comfort and safety. The Scottsdale Road right-of-way will be completely improved and activated by what is currently planned for ground floor, restaurant patio.

**GOAL M 4:**

**MAINTAIN A CONVENIENT AND ADEQUATE PARKING SUPPLY OLD TOWN.**

**Policy M 4.1**

*Develop a “park once environment” Downtown, where users can access multiple destinations without needing to move their private vehicle.*

**Response:** The proposal not only meets but exceeds the parking requirements of the Scottsdale City Ordinance. The multi-level garage will service the multiple uses which will occur within the new development and is also ideally located to potentially provide parking for other venues in the area or the general public during off-hours. The mix of on-site uses and the downtown location of the garage will help contribute to “park once environment.”

- **Old Town Economic Vitality (“EV”) Goals**

**GOAL EV 2:**

**PROMOTE PRIVATE INVESTMENT IN, AND ATTRACT NEW DEVELOPMENT TO, OLD TOWN.**

**Policy EV 2.1**

*Encourage investment in residential and commercial development that ensures Old Town’s economic competitiveness regionally and nationally.*

**Policy EV 2.5**

*Expand downtown employment opportunities through the attraction of new office and commercial development to downtown, with a focus on target growth industries such as information, communications, and technology (ICT) and advanced business services.*

**Response:** The Old Town area is severely lacking in new, high-quality office space necessary to attract major employers and growth industries. The proposal will expand the availability of such office space and help to attract new businesses and sought-after employers to help ensure Old Town’s economic competitiveness. The Marquee development will work in unison with the existing Galleria development to provide the necessary spectrum of office space options for growth industry businesses. The Galleria provides a variety of creative office space for innovation and technology companies that require flexibility as they adjust and grow. The Marquee building will provide more traditional, large floorplate office space for more established companies.

## 4. Downtown Urban Design & Architectural Conformance

### Site Development Guidelines

#### **A1. Relationship to New and Existing Development:**

***#1 - Site Plan Arrangement – The site organization should respect the arrangement of building, open space and landscape elements of adjacent sites.***

- The proposal respects the arrangement of adjacent sites. The majority of the building is positioned to respect views from the adjacent Galleria building. The Scottsdale Road ground floor frontage is designed with a colonnade to mimic that of the existing Galleria frontage. The Scottsdale Road façade steps back as it rises to further respect the design of other buildings along Scottsdale Road. The majority of the property frontage is currently without significant landscaping or shade. This will be vastly improved and will mimic some of the landscape elements found in newly improved properties in the area.

***#2 – Form and Height – Efforts to coordinate the form and height of adjacent structures are encouraged.***

- The massing of this project is directly derived from Galleria building on the south edge of the site. Vertical portions of the building happen in areas that do not impact the current Galleria building. The higher massing occurs along Scottsdale Road which gives presence to the project and reacts to the height of the Waterfront across the street and the W to the north.

#### **A2. Active Street Frontages:**

***Design active building frontages to create inviting indoor and outdoor spaces visible from the sidewalk and street.***

- The first floor of the proposed project will be programmed with retail and food and beverage opportunities to activate the street frontages along Shoeman Lane and Scottsdale Road. The recessed first floor frontage provides shaded walkways and a welcoming pedestrian environment and encourage a vibrant, active street frontage. For more detailed descriptions of the pedestrian experience, please see Section 3 above – Old Town Character Area Conformance.

#### **A4. Parking Facilities:**

***Minimize the visual impact of parking structures and parking lots by locating them at the rear or interior portions of building sites.***

- Except for a small surface parking lot on the east side of the building, all on-site parking is provided internally. A small, covered surface lot is provided at grade and placed behind the ground floor retail spaces on both Shoeman and Scottsdale Roads. The majority of parking is provided on floors 2 through 7 and integrated into the building design. The parking floors are completely enclosed and internal to the building, with glazing providing an office building-like façade that disguises the parking structure.

***Parking access from alleys and side streets is desired. The number of entrances to parking***

***facilities from other streets, especially major arterials, should be kept to a minimum.***

- Access to the garage is not provided from a major arterial. Access to the garage is provided off Shoeman Lane on the north edge at the midblock location. Secondary access is provided off the existing private drive on the east edge of the project. It should also be noted; the project removes 4 existing curb cuts on Shoeman Lane in lieu of 1 new curb cut.

#### **A8. The Continuity of Street Spaces**

***The preferred building-street relationship is to place the buildings parallel to the street.***

- The building is aligned with its frontages parallel to both Shoeman Lane and Scottsdale Road, providing the preferred strong connection to both streets. The entirety of the building is located along the setback line except for the recessed first-floor frontage to provide covered walkways.

#### **A9. The Building Setback Zone**

***The space of the setback zone should be more like a “patio” than a front lawn. It should provide pedestrians with a buffer from passing traffic, shaded protection from the sun, and a rich variety of experiences and choices.***

- As described throughout this narrative, the recessed first-floor frontage provides a covered walkway along the entirety of the building frontages on Shoeman Lane and Scottsdale Road. Stone coursing and a paving pattern provide visually interesting pathways and hardscape, with large canopy mesquite and palo brea trees providing additional shade. Periodically-spaced benches provide respite for pedestrians.

### **Building Form Guidelines**

#### **B1. Reduction of Apparent Size and Bulk:**

***Downtown buildings of three or more stories should be designed as carefully-orchestrated compositions of smaller parts. Every building should reduce its perceived height and bulk by dividing the building mass into smaller-scale components. Suggested methods are encouraged, but other approaches that achieve the same objectives are acceptable.***

#### **#1 – Horizontal Composition: Three-part organization of building form.**

- This project follows the composition guideline of Base-Middle-Top. The lower portions of the building up to roughly 30' of height consists of parking and retail. This portion forms the base and is distinguished by retail storefront design elements and architectural metal façade elements that project out in order to form a cap for the base and emphasize horizontality. The middle of the building is primarily composed of high efficiency glazing with horizontal metal shading features, mullion patterning and a variety of outdoor patio opportunities. These metal horizontal solar shading elements further emphasize the horizontal nature of the building massing. The linear metal cornice at the top of the building is yet another emphasis on the horizontal which caps the building.

#### **#2 – Composition of Recesses and Projections.**

- The first floor retail area of the building is recessed. We feel this recess enhances the pedestrian realm the most. The openness of the ground level of the garage helps to create a generous and spatial experience for the patrons. Furthermore, the north edge of the retail forms an arcade with the offices bridging over the sidewalk. This provides for a unique downtown experience, provides critical shade and environmental comfort, and provides a generous sidewalk setback off the parallel parking. The upper levels are also recessed back to help break the building into smaller volumes. Along Scottsdale Road, the building has three different levels of building form and materiality that form multiple volumes along the Scottsdale Road frontage.

### **#3 – Special Provision for Higher Buildings.**

- The goal of this building is to design an iconic structure to house the highest-level office space in the city. Classical design principles have been combined with contemporary expression and high-quality materials to create a project that respects the horizontal emphasis while also enhancing the contemporary built fabric of the current downtown district.

#### **B2. Covered Walkways**

***All downtown buildings are encouraged to provide a covered walkway or other form of shaded base on street-facing elevations.***

- As noted throughout this narrative, the proposed project will provide an architecturally-integrated recessed walkway along the entirety of the Shoeman Lane and Scottsdale Road street frontages. The support columns lining the walkway create a colonnade for pedestrians utilizing the walkway to enjoy the abundant retail and food & beverage opportunities on the ground floor of the development.

#### **Architectural Character**

##### **C1. Proportion and Scale:**

***Development proposals should demonstrate evidence they have studied the predominant scale and proportions of buildings in the district and street where they are to be located.***

- The overall design of this development is evidence of our thorough research into the existing and future projects in the downtown area adjacent to the site. The taller massing of the project occurs at Scottsdale Road in a manner that helps to act as a gateway to the downtown district. Additionally, it acts to shield the exposure of the Galleria's current entry into the service and back of house area. The lower portions of the building react to the context of the existing offices in the Galleria building and the low-rise nature of the nightlife district.
- The design direction of this building satisfies the intent of the three categories within this section. Horizontality is strongly emphasized in the façade. The building is broken up into base, middle and top sections. Each section is separated by a horizontal eyebrow projection. The top section is also stepped back and capped with a projected fascia to combat a vertical feel. These elements of the façade are not stacked. They are staggered to create variety and interest in the façade.
- The importance of scale is seen in the materiality and articulation of the building at the



pedestrian level. Custom planters, quality light fixtures, and other site furnishings will provide visual interest along the pedestrian corridor. The scale and feel of building articulation changes as you go from the base level to the middle. The top of the elevation also has a scale change with less window articulation so that the top fascia projection is accented.

## **C2. Building Materials:**

***Restraint should be used in the number of different building materials selected. Simplicity of palette is desired. Building materials similar to those in predominant use on the street or in the district of the new project are encouraged.***

- The design of this project has intentionally limited materiality to only 3 expressions. These include a low-reflectivity blue-tinted glazing, metal panel system, and cement fiberboard. The combination of these three materials establishes a very neutral palette. This neutral palette helps to mitigate visual impact and emphasize vibrant color and materiality of the pedestrian zone.
- Windows will be designed with low reflectivity glazing. Shadow will be generated on the glazing by the use of vertical and horizontal shading devices attached to the glazing system, along with a variety of sunken or pop-out building features. Groupings of mullions, shading devices and patio features will help to break up large areas of glazing into a variety of window expressions.

## **C3. Color and Texture:**

***Building colors should emphasize light and muted colors with light earth tones dominant. Color selection should show evidence of coordination with the predominant use of color on the street and the district of the new project.***

- The color palette for this building is very neutral in nature. In accordance with guidelines, the base is a natural stone veneer which represents an earth tone. The upper floors have a base material of glass, however it is broken up with a variety of accents. The accents are a natural metal color of neutral gray or light silver. The only color being used will be in the retail tenant storefront buildouts and the site amenities and furnishings.

## **C4. Architectural Detail:**

***Surface detail, ornament and other elements that enrich architectural character are encouraged.***

- Architectural detail will be used differently on the upper and lower stories of the building.
- On the lower level, detail will be seen in stone coursing, light fixtures, canopy details, signage, paving patterns, site plantings and site furnishings. These details are designed to enhance the visual and environmental experience of the pedestrian.
- On the upper levels, architectural detail will be expressed in the use of shading devices. Due to the amount of glazing, a variety of shading devices will add detail to the façade and act to break the façade up into multiple expressions. This addition of detail and texture to the façade will help mitigate the height and visual impact of the building as well as provide a

responsible solar heat gain solution.

## **Landscape Character**

### **D1. Streets**

***Plants, street furniture, paving, and other landscape elements should be organized along streets to create a unified civic appearance. The materials and layout of these elements should conform to City standards.***

- Street trees will be a mix of mature palo brea and mesquite trees, both of which are found in abundance lining the streets of Old Town Scottsdale and provide substantial shade canopies.
- Stone coursing and paving patterns will provide visually pleasing walkways.
- Benches will be placed periodically along the walkways on the Shoeman Lane and Scottsdale Road street frontages.

### **D3. Plant Selection**

***The plant palette for individual projects should reinforce Downtown's character as an urban oasis by emphasizing plants that provide shade, year-round color and a variety of textures and forms.***

- Large trees: Palo brea, Argentine mesquite
- Medium trees: Cascalote
- Shrub: Thunder Cloud sage, Baja Fairy Duster, little leaf cordia
- Groundcover: Purple trailing lantana, sandpiper verbena
- Accent: Blue elf aloe, Murphy's agave, night blooming cereus, red yucca

## 5. Planned Block Development Conformance

As noted in Ordinance Section 6.1301, the purpose of the Planned Block Development Overlay District (PBD) is *“to allow for development flexibility in the Downtown Area... developing more Downtown Area public amenities, and adding land uses that would further promote the Downtown Area as a twenty-four (24) hour community”*. The proposal is perfectly aligned with this stated purpose. Minor development flexibility - in the form of decreased stepbacks and increased height and FAR - is being requested to enable land use that promotes Downtown as a 24-hour community - in the form of much needed, new offices space and associated retail.

The proposal meets numerous PBD Overlay criteria, including, but not limited to the following:

### 6.1304.A.3 - Criteria of a PBD Overlay District application in the Type 3 Area

***a. The Development Plan shall reflect the goals and policies of the Character & Design chapter of the Downtown Plan;***

- As noted in Section 3 above, the proposal reflects the goals and policies of the Character & Design chapter of the Old Town Plan (formerly the “Downtown Plan”).

***b. The site development standards and building form shall be in conformance with the Downtown Plan Urban Design & Architectural Guidelines;***

- As noted in Section 4 above, the development standards and building form are in conformance with the Downtown Plan Urban Design & Architectural Guidelines.

***c. The building form shall reflect the planned character of the development within which the development will be located;***

- The development is located within an urban, vertically developed area of Downtown in which surface parking lots are discouraged and creative, vertically integrated development is promoted. The proposal matches this character by removing an underutilized surface lot and enabling a mixed-use, vertical development project with a below and above grade garage.

***d. The Development Plan shall incorporate standards for development within 350 feet of the Downtown Boundary that addresses appropriate transitions in heights and building massing between the proposed development and the zoning districts abutting or adjacent to the development;***

- The Property is not within 350 feet of the Downtown Boundary.

***e. The Development Plan for development within one hundred (100) feet of a Type 1 Area, a Type 2 Area and/or Type 2.5 Area shall address appropriate transitions in building heights, building massing, and landscape materials between the proposed development and the Type 1 Area, Type 2 Area and/or Type 2.5 Area;***

- The Property is not within 100 feet of the other Development Type Areas.

***f. The Development Plan shall incorporate standards for development adjacent to public streets that include sidewalks, pedestrian linkages, building forms and architectural features that address the human scale and pedestrian orientation;***

- The Property improves the public pedestrian experience on all levels and even extends these improvements to both sides of Shoeman Lane. The sidewalks will be completely renovated and enhanced to provide an interesting and safe realm for patrons. Sidewalks will be of quality material and lined with furnishings, planting and pots to soften and improve the experience. Canopies will be provided to bring the scale of the building down to the human level and provide much needed shade and environmental comfort. The building will provide a great commercial edge for the public way with new shops and restaurants. Quality building materials and lighting opportunities will highlight the experience at all times of day and evening.

***g. The pedestrian circulation shall be accessible and easy to navigate, and incorporate open space and pedestrian linkages to the public pedestrian circulation network;***

- The Property seamlessly links up to the pedestrian ways on both the Shoeman Lane and Scottsdale Road edges. Along Shoeman, the existing poorly maintained sidewalk adjacent to an asphalt surface lot will now be a shaded walkway partially lined with new retailers and restaurants. This new and upgraded pedestrian link will serve to connect the thriving nightlife district to the commercial areas along Scottsdale Road and to the west of Scottsdale Road. A truly, fully linked system of walkways will be completed.

#### **6.1304.B – Additional Applicable Criteria for a PBD Overlay District**

***1. The proposed development supports the land use elements of the General Plan and the Downtown Plan.***

- As noted in Section 2 and Section 3 above, the proposal supports the land use elements of the General Plan and Old Town Plan (formerly the “Downtown Plan”).

***2. Criteria to add land uses for each Sub-district of the Downtown District.***

- No new land uses are proposed by the application.

***3. The proposed Development Plan reflects noteworthy investments to provide public benefits, improve the quality of life in the community, and assist in achieving the goals and policies of the General Plan, Downtown Plan and City objectives, primarily in the immediate vicinity of the neighborhood where the development will be located.***

- As discussed throughout this document, the proposal provides an inherent public benefit through the provision of highly sought-after office space needed to retain and attract quality companies in Downtown Scottsdale. The proposal also increases the number of parking spaces available in Downtown by removing an inefficient surface lot and replacing with a project that exceeds the city’s parking ordinance standards, all at no cost to the public.

Beyond these inherent benefits, the Applicant is also proposing a complete renovation and upgrade to the Shoeman Lane public realm right-of-way. These improvements are not just limited to the area adjacent to the subject Property; rather they encompass both sides of Shoeman Lane from Scottsdale Road east past Brown Avenue. Improvements include new hardscape and landscape, new, wide sidewalks, trees, tree grates with uplights, decorative light poles and public amenities like benches and trash receptacles.

## 6. The Development Plan

The roughly 2.6-acre Marquee site and 6.6-acre Galleria site are located in the heart of Downtown Scottsdale, just steps away from the “Main & Main” intersection of Scottsdale and Camelback Roads. The Development Plan seeks to maximize the potential of this key, infill site with an iconic and appropriate office building with street level retail. The new building on the Marquee properties will compliment and work in unison with the existing Galleria buildings to provide a wide spectrum of office space options for new and existing businesses. The Galleria has become a hub and incubator for tech companies of a variety of sizes that require flexibility as they adjust and grow. The Marquee building will provide more traditional, large floorplate office space for more established companies. The Marquee proposal incorporates an integrated 6-level above grade parking garage to provide more than adequate parking to meet the needs of the project. The development has a GFAR of 2.38 and a proposed building height of 150,’ (156’ to the top of mechanical screens).

### Design

The design approach for the project is to create a mixed use building with premier office space that will attract innovative, corporate tenants to Downtown Scottsdale. The proposed building succeeds with this premise by creating an iconic and functional design that also adheres to sustainable building practices new economy tenants are demanding. (The building will comply with Scottsdale’s Green Building Program requirements and potentially seek LEED certification). The east-west orientation and the abundance of high-performance glass on the north façade not only maximizes views, but also takes advantage of natural daylighting strategies to reduce energy use. A series of vertical and horizontal shade elements provide shade, while also baking the building in interesting shade patterns. The building will also enhance the context of the Downtown area by providing ground level commercial activity and quality pedestrian links through the site and into the existing Downtown fabric. The architectural character of the building will be contemporary in detail and material with the classical composition of base-middle-top. These design strategies, high quality materials and pronounced architectural expression will create an iconic building that enhances Downtown’s economic and cultural presence.

### Retail

The retail component of the project consists of roughly 21,000 sqft and is appropriately placed on the west and north edge of the site to continue the active, walkable streets scene along Scottsdale Road. Generous outdoor patio space is provided to connect the interior spaces with the exterior public realm. The retail also wraps the corner and continues east along the Shoeman Lane frontage. Storefront glass façade will be the primary material used to visually connect and further activate the street level and public pedestrian realm.

### Parking

The parking garage blends seamlessly into the project with the majority appropriately located, near the rear of the Property with an access point mid-block off of Shoeman Lane. A secondary access is provided off the existing private drive on the east edge of the Property. The parking structure is entirely internal to the building and finished to integrate into the building façade. A total of 934 parking spaces will be provided in the new garage, although only 906 are required to adequately serve the development. Combined with the Galleria, the total parking spaces provided on the combined sites is nearly 3,000 spaces. This does not include street parking spaces which are abundant in the area. Over 100 bicycle parking spaces are also provided.

## Office

The office component of the Marquee project consists of roughly 250,000 sqft of leasable office space placed above the retail and parking levels. The floor plates are roughly 49,800 sqft, ideally sized to attract quality tenants and major employers. The design and layout of the Marquee building is intended to compliment and work in unison with the existing Galleria buildings to ensure a variety of quality office space options in the downtown area. The Galleria provides a variety of creative office space in non-traditional layout of what used to be a shopping mall. The Marquee will provide more traditional, large floorplate office space for more established companies and/or companies that outgrow the Galleria.

## Public Realm

The public realm surrounding the site will be vastly improved from the current dilapidated condition. The goal is to create an inviting and comfortable pedestrian connection with shade and interest. New curb and gutters along with new, wide, decorative concrete sidewalks with new ADA ramps will be installed on both sides of Shoeman Lane. The project also provides protruding canopies and recessions to allow for a shaded public realm and comfortable pedestrian experience. These items are vital in creating shade from the summer sun and a pleasant north-south and east-west connection through the site. Other planned improvements along Shoeman Lane will create 19 new parallel parking spaces for public use. Overall, the improvements will create a comfortable pedestrian experience and connection sorely lacking under the current conditions

## Cultural Improvement Program

The Applicant is currently analyzing the potential of original art installations along the Scottsdale Road frontage or along Shoeman Lane to add further interest along the public, pedestrian realm. Should art installations prove to be functionally or otherwise prohibited, an appropriate contribution to the Cultural Improvement Program will be made.

## Public Benefits

Per the PBD ordinance, bonus criteria can be achieved through noteworthy investments which provide public benefits, improve the quality of life in the community and assist in achieving the goals and policies of the General Plan, Downtown Plan and City objectives, primarily in the immediate vicinity of where the development is located. As outlined throughout this document, the proposal represents an opportunity for significant public benefits in a wide array of areas, most importantly, the provision of high quality, fully parked office space which is sorely lacking in Downtown. The project is key to attracting and retaining quality employers in Downtown which has an inherent ripple effect (financial and otherwise) in the immediate vicinity of the development and in the City as a whole.

As further detailed in the Proposed Development Standards (Section 7) below, the bonus height and GFAR requested are as follows:

Height:	156'-0"	Requested height (150'-0" + 6'-0" mechanical screening)
	<u>84'-0"</u>	Allowable height by right
	72'-0"	Bonus height required
GFAR:	1.70	Requested GFAR (808,900 building GSF / 475,094 lot GSF)
	<u>1.50</u>	Permitted GFAR (1.40 + .10 for above grade parking bonus) *
	0.20	Bonus FAR required

\*Bonus per Ordinance Section 5.3008.B / 5.3008.C for providing 90% of required parking in above grade garage

Per the Special Public Improvements Section 7.1200.D of the City Zoning Ordinance, the contribution cost for the above bonus height and GFAR are as follows:

Bonus Floor Area Contribution Cost:	CC = [(BSF x 10) x (1.035 ^CY-2013)] CC = \$1,168,731.24
Bonus Height Contribution Cost:	CC = [(BH x 10,000) x (1.035 ^CY-2013)] CC = \$885,600
Total Contributions Cost:	= \$2,054,331.24

The project will provide offsetting public benefits through a combination of measures including improvements to both the north and south sides of Shoeman Lane. Those cost of those improvements were detailed in the 2016 zoning approval and are listed below. Please note, updated construction costs are being obtained and will be incorporated into this application when available. Please also note, the south side improvements listed are improvements which are above and beyond standard requirements.

#### South Side of Shoeman Lane

13 decorative tree grates	\$27,131
8 benches and trash receptacles	\$8,050
10 decorative matching light poles	\$67,500
<b>Subtotal South Side</b>	<b>\$136,188</b>
<u>Cost of Standard items</u>	<u>- \$23,500</u>
<b>Total Cost Difference</b>	<b>\$79,181</b>

#### North Side of Shoeman Lane

Mobilization	\$28,500
Concrete drives w/ ADA ramps	\$28,500
Sidewalk Removal	\$10,300
AC Pavement Removal	\$12,104
Curb Removal	\$1,440
AC Pavement	\$41,280
Concrete Pavement	\$13,585
Curb and Gutter	\$2,244.75
Single Curb	\$4,672
3' Valley Gutter	\$9,889
8' Valley Gutter	\$1,924
6,950 sqft integral color sidewalks w/ banding	\$49,953
Sawcutting	\$520
10 decorative tree grates	\$20,870
10 box trees (48")	\$5,170
Planter Granite	\$1,587.50
5 benches and trash receptacles	\$8,050
10 decorative matching light poles	\$67,500
Architectural / Engineering fees	\$24,000
Surveying and Staking	\$3,500
<u>As Builts</u>	<u>\$1,500</u>
<b>Total North Side</b>	<b>\$337,089.25</b>



**Total Cost of Shoeman Lane Improvements**                      \$416,270.25

As part of the improvements to Shoeman Lane, the existing angles parking will be changed to parallel parking – the preferred parking layout for urban walkability and pedestrian safety. The reconfigured street will reduce the amount of street parking from 44 spaces to 26 spaces – a loss of 18 spaces. The developer will make an in-lieu payment into the Downtown Parking Fund to be used for future parking solutions in this quadrant of downtown.

## 7. Proposed Development Standards

The project is subject to the Downtown Plan Development Standards. As is expected on an urban, infill site, customized development standards are required to maximize the potential of the site and procure the greatest benefits to the Downtown area. The development standards for the properties in questions are separated into two (2) applicable categories: 1) Marquee Property Development Standards and 2) Galleria Property Development Standards. The Galleria Development Standards are unchanged from the original standards approved in 1987 (101-ZN-87) and updated in 2016 (30-ZN-1990#2) and are provided as an attachment with this application. The below chart shows the proposed amended standards for the Marquee properties. Justifications for each amendment are provided below. Additionally, a legislative draft of the proposed amended standards is also provided with this application.

Galleria Property Development Standards	
A.	Applicable Development Standards are per the previously approved standards found in zoning case 101-ZN-87 and 30-ZN-1990#2 approved in 1987 and 2016 respectively; a copy of those standards is included as an attachment with this application.

Marquee Property Development Standards		
	Applicable Development Plan Standards	Proposed Development Plan Standards
A.	<i>Maximum GFAR (Table 6.1308.B / 6.1310.C)</i> 1.4    2.0 with bonus.    4.0 with PBD	<i>Maximum GFAR</i> 1.70
B.	<i>Maximum Building Height (Table 6.1308.B / 6.1310.C)</i> 84'-0"    150'-0" with PBD	<i>Maximum Building Height</i> 150'-0" (156'-0" including mechanical appurtenances). Height is measured from datum line at 1'-0" above the average top of curb elevation.
C.	<i>Setbacks from public streets, except alleys (Table 5.3006.C)</i> Scottsdale Road: 40'-0" Shoeman Lane: Not specified	Scottsdale Road: 16'-9" from street curbline Shoeman Lane: 13'-6" from street curbline

D.	<p><i>Building Location (Section 5.3006.F)</i></p> <p>In a Type 3 Area, at least 25 percent of the:</p> <p>Length of the building façade shall be located at the minimum setback</p> <p>Length of a building façade at grade and up to a height of 30 feet shall be set back at least 10 additional feet</p>	<p><i>Building Location</i></p> <p>In a Type 3 Area, at least 25 percent of the:</p> <p>Length of a building façade at grade and up to a height of 12 feet shall be set back at least 10 additional feet; columns and canopies are excluded and may be located within this additional setback.</p>
E.	<p><i>Building Location (Table 5.3006.F)</i></p> <p>In a Type 3 Area, a building with a building façade length of 200 feet or more shall be located to achieve a prevailing setback between 25 and 35 feet. The building façades on a corner lot are calculated separately and not added together.</p>	<p><i>Building Location</i></p> <p>In a Type 3 Area, a building with a building façade length of 200 feet or more shall be located to achieve a prevailing setback at grade between 20 and 35 feet. The building façades on a corner lot are calculated separately and not added together.</p>
F.	<p><i>Stepbacks (Section 5.3006.H.4)</i></p> <p>Downtown Multiple Use – Type 3 Areas:</p> <p>The stepback plane shall incline at a ratio of 2:1, beginning 45 feet above (i) the minimum setback from the public street (except alleys), and (ii) all other property lines.</p>	<p><i>Stepbacks</i></p> <p>Downtown Multiple Use – Type 3 Areas:</p> <p>Adjacent to a major arterial, portions of the building that are greater than 55’ in height must provide a minimum 15-foot stepback for 50 percent of that portion of the building. Portions of</p>
G.	<p><i>Exceptions to setbacks, prevailing setback and stepback standards (5.3006.I.2.b)</i></p> <p>A maximum of seven feet for canopies and other covers over sidewalks, balconies and terraces.</p>	<p><i>Exceptions to setbacks, prevailing setback and stepback standards</i></p> <p>A maximum of 12 feet for canopies and other covers over sidewalks, balconies and terraces.</p>

### Justifications

A. *GFAR* - Maximum GFAR of 1.4 is allowed by right per the PBD ordinance, however the ordinance provides bonuses and incentives which can increase the permitted GFAR up to 4.0. The ordinance has clearly anticipated that additional GFAR is appropriate in certain situations. The extra GFAR for this site enables the building to maximize tenant space to ensure the greatest employment and economic impact for the City of Scottsdale. Additionally, the intent of GFAR is to place reasonable limitations on building size relative to the site and location. The proposed standard adheres to this intent by enabling greater office density in the appropriate urban core location. Many urban planning guides recommend a GFAR greater than 2.0 to create and maintain urban, walkable areas. It should further be noted, the project provides 90% of required parking within a parking garage, therefore qualifying for 0.1 bonus GFAR, per Ordinance Section 5.3008.B / 5.3008.C.

B. *Building Height* – Maximum building height of 84’-0” is permitted by right per the PBD ordinance. Recent updates to the Downtown Plan (now the Old Town Plan) and several zoning districts used in downtown, recognized the need for increased height at this location. The updates allow for 150’-0” (excluding appurtenances) with amended standards. Previously the ordinance recognized the importance of green building, awarding 15’-0” of bonus height for projects which complied with

Scottsdale's Green Building Program. Although that provision has been struck, the developer still intends to develop to, or above, this standard. The request to increase building height increases the office building's desirability in the tenant marketplace, which is being dominated by taller buildings in the Tempe and Chandler leasing sub-markets. Also, greater building height is needed to attract high-quality tenants and today's high-end-office market requires a minimum floor-ceiling height of 10'-0". To achieve this, structural floor heights of roughly 13'-1" are required, which in-turn produced a taller building. The other adjustments regarding rooftop appurtenances are pulled directly from the PBD zoning ordinance.

*C. Setbacks from public streets, except alleys* - The intent of first floor building setbacks is to provide an appropriately sized and consistent public realm areas for pedestrian activity and enjoyment. The proposed standards adhere to this intent by providing 25' along Scottsdale Road and over 20' along Shoeman Lane of improved public realm with upgraded hardscape, new trees, planters, tree grates, pedestrian lighting and quality site furnishings. The proposal represents a massive upgrade to the existing conditions at this location and along most of Shoeman Lane. Shoeman is not a long street, terminating just east of the subject Property and the proposed condition would exceed any condition currently occurring anywhere on Shoeman. The other redeveloped sites along Shoeman (W Hotel and the Scottsdale Retail Plaza) provide similar conditions ranging from 11' to 18'. Furthermore, the building is designed appropriately for the long, skinny infill site. The layout is the minimum building width needed to accommodate a functional parking garage. A greater setback off of Shoeman would shrink the 24'-0" garage drive aisles or require the removal of a row of parking spaces on each level. Either scenario would create an inefficient and cost prohibitive garage design.

*D. Building Location* – See justification C. above. Although the building will not step back 10' along Shoeman or Scottsdale Roads, the at-grade portion of the building is designed for an open feeling with an arcade at the retail portion of the building and enhanced fenestrations at the garage facades. The intent of this standard is to provide variety of pedestrian experience at the ground level. The arcade is the perfect building expression to provide an environmentally comfortable and visually interesting pedestrian experience across a meaningful length of the north façade and streetscape. Pulling the building towards the property line also creates continual shade for the sidewalk and pedestrian zone which it would not be able to do if set back 10' at portions of the façade.

*E. Building Location, Prevailing Setback* – See justification C. and D. above. It is also important to note that the site is not located adjacent to Type 1 areas or at the perimeter of the Downtown district or adjacent to residential areas.

*F. Stepbacks* – See justification C. above. The intent of the stepback plane is to ensure that the building volume is broken up and emphasizes horizontality. We feel that the elevation can be designed in a fashion to read horizontal and mitigate perceived building height without requiring stepbacks that would prohibit a functional office lease depth. Multiple building expressions can break the body of the elevation up into several volumes without significantly stepping back the façade.

*G. Exceptions* – Canopies and other covers over sidewalks, balconies and terraces are exempt from building location, setback and stepback considerations for up to seven feet. The request is for twelve feet to maximize the interest and shade potential of the building and it's projections at this key pedestrian area.

## **8. Conclusion**

As outlined in this narrative and as seen in the application exhibits, the proposal meets and exceeds numerous stated goals of the General Plan, the Old Town Character Area Plan, the Planned Block Development Overlay, and the Downtown Design Guidelines. The project will deliver an iconic yet compatible Class-A office building near the City's preeminent intersection while ensuring the City remains economically competitive from a regional, national and international perspective. The project will provide tangible results from decades of efforts by the City to maintain Downtown as an economic hub of employment and activity.



**Planning and Development Services Division**  
**Historic Preservation Office**  
7447 East Indian School Road  
Scottsdale, Arizona 85251

Documentation Requirements for the Nuss Building 4419 North Scottsdale Road  
COS Case 7-ZN-2015#2  
June 18, 2019

1. A cover letter containing the relevant information needed to complete a review of the project includes the following items:
  - a. A description of the project (including all planned actions), definition of the project area of potential effects (APE), and the applicant's efforts to identify historic properties and obtain and consider the view of affected local governments, Indian Tribes, and other interested parties. For architectural properties, indicate whether the proposed action is an addition, replacement, repair, or demolition.
  - b. An evaluation of the eligibility of those resources for inclusion in the City of Scottsdale Historic Register (SHR), the Arizona or National Register of Historic Places (A/NRHP), including a recommendation of eligibility by the applicant.
  - c. A description of the cultural and historic resources that might be impacted directly, indirectly, or cumulatively by the proposed actions. This should include a discussion of the potential impacts of the undertaking on all SHR-eligible resources and the basis for these statements.
  - d. A finding of effect by the applicant; appropriate findings are: No Historic Properties Affected; No Adverse Effect; or Adverse Effect. There can be only one finding of effect for a given undertaking/plan.
  - e. A description and evaluation of the alternatives evaluated for the project. This should include alternatives specifically designed to avoid impacts to cultural resources or historic properties. An example would be restoration or rehabilitation of an existing historic structure rather than demolition.
  - f. Requested action on the part of Scottsdale Historic Preservation Officer (e.g., concurrence with definition of the APE, concurrence on determinations of eligibility, concurrence with a finding of effect, etc.).
2. A cultural resource inventory is necessary to evaluate whether or not: a) cultural or historic resources are present in the project area; b) any identified cultural or historic resources are eligible for listing on the City of Scottsdale Historic Register (SHR); and, c) the proposed project will adversely affect any City of Scottsdale Historic Register (SHR), the Arizona or National Register of Historic Places (A/NRHP) eligible properties that are eligible for, or listed on SHR or A/NRHP.
3. Measured drawings of the existing property and building, including a site plan, floor plan(s), building elevations of all sides of the building.
4. Photographs of the existing property and building.
5. Description of construction materials, methods, and techniques that are unique to the existing property and building.

The Arizona State Historic Preservation Office (SHPO) maintains a list of qualified professional archaeologists, historians, historical architects and/or architectural historians that can prepare these documents for your organization. If you need these resources, please contact SHPO.

# Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 4315 N. Scottsdale Road / 7280 E Stetson Drive (the Galleria)
- b. County Tax Assessor's Parcel Number: 173-41-266, -267, -268, -269
- c. General Location: Scottsdale Road and Drinkwater Blvd
- d. Parcel Size: 6.3 net acres
- e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Shawn Yari

Date

February 22, 2019

GEORGE PASQUELL III  
- WITNEY MORRIS, PLC

2/22, 2019

[Signature]  
[Signature]

## Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

**EXHIBIT C**

**Legal Description for the Property**

**(attached hereto)**



Parcel No. 1:

That portion of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of said Southwest quarter;

Thence South 89 degrees 32 minutes 34 seconds East (assumed bearing) along the North line of the Southwest quarter of the Northwest quarter of said Southwest quarter, 51.98 feet to a point on a curve, concave Northeasterly, whose radius point bears North 73 degrees 56 minutes 49 seconds East, 505.00 feet, said curve hereinafter referred to as "Curve Number 1", said point-on-curve being the point of beginning;

Thence continuing along said North line and along the North line of the South half of the East half of the Northwest quarter of the Southwest quarter of said Section 23, South 89 degrees 32 minutes 34 seconds East, 613.48 feet to a point of intersection with the Southerly prolongation of the West line of Tract B, Camelback Park Plaza, according to Book 86 of Maps, page 13, records of Maricopa County;

Thence North 00 degrees 06 minutes 23 seconds East, along said West line and Southerly prolongation, 147.12 feet to the Northwest corner of said Tract B;

Thence South 89 degrees 32 minutes 34 seconds East, along the North line of said Tract B, 73.13 feet (measured) (record 73.00 feet) to the Northeast corner thereof;

Thence South 00 degrees 07 minutes 46 seconds West (measured) (record South) along the East line of said Tract B and its Southerly prolongation, 147.12 feet to a point on the North line of the Southeast quarter of the Northwest quarter of said Southwest quarter;

Thence South 89 degrees 32 minutes 34 seconds East (measured) (record South 89 degrees 39 minutes 41 seconds East and South 89 degrees 38 minutes West) along last said North line, 206.91 feet to a point of intersection with the Northerly prolongation of the East line of Tract A, Winfield Scott Plaza Unit Four, according to Book 70 of Maps, page 28, records of Maricopa County;

Thence South 00 degrees 05 minutes 08 seconds West (measured) (record South 00 degrees 01 minute 43 seconds East) along said East line and Northerly prolongation, 165.85 feet;

Thence North 89 degrees 33 minutes 20 seconds West (measured) (record North 89 degrees 41 minutes 21 seconds West), 288.07 feet along the South line of said Tract A and its Westerly prolongation to a point on the East line of the Southwest quarter of the Northwest quarter of said Southwest quarter, said point being the Southeast corner of the North half of the North half of said Southwest quarter of the Northwest quarter of the Southwest quarter, and said point also being the Northeast corner of Winfield Scott Plaza Unit Three, according to Book 70 of Maps, page 49, Maricopa County Records;

Thence South 00 degrees 07 minutes 05 seconds West (measured) (record South 0 degrees 01 minute 30 seconds East) along last said East line, 105.92 feet;

Thence North 89 degrees 32 minutes 38 seconds West, 48.33 feet to a point of curvature of a curve, concave Southeasterly, having a radius of 205.00 feet;

Thence Southwesterly, along the arc of said curve, through a central angle of 48 degrees 49 minutes 13 seconds, 174.68 feet to a point on the North line of Lot 111 of said Winfield Scott Plaza Unit Three, which point lies North 89 degrees 33 minutes 43 seconds West (measured) (record North 89 degrees 41 minutes 21 seconds West) 33.58 feet from the Northeast corner thereof;

Thence continuing along last said curve, through a central angle of 06 degrees 46 minutes 17 seconds, 24.23 feet to a point of tangency;

Thence South 34 degrees 51 minutes 52 seconds West, 17.33 feet to a point of curvature of a curve, concave Northerly, having a radius of 25.00 feet;

Thence Westerly, along the arc of said curve through a central angle of 90 degrees 00 minutes 00 seconds, 39.27 feet to a point of tangency;

Thence North 55 degrees 08 minutes 08 seconds West, 70.60 feet to a point on the North line of Lot 110 of said Winfield Scott Plaza Unit Three, which point lies South 89 degrees 33 minutes 43 seconds East (measured) (record South 89 degrees 41 minutes 21 seconds East) 24.85 feet from the Northwest corner thereof;

Thence continuing along last said tangent line, 34.93 feet;

Thence North 34 degrees 51 minutes 52 seconds East, 7.00 feet;

Thence North 55 degrees 08 minutes 08 seconds West, 76.53 feet to a point of curvature of a curve, concave Northeasterly, being said "Curve Number 1", whose radius point bears North 34 degrees 51 minutes 52 seconds East, 505.00 feet;

Thence Northwesterly, along the arc of said curve, through a central angle of 39 degrees 04 minutes 57 seconds, 344.47 feet to the point of beginning.

Parcel No. 2:

That portion of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Northwest quarter of said Southwest quarter;

Thence South 00 degrees 07 minutes 06 seconds West (assumed bearing) (record South) along the monument line of Scottsdale Road, 536.00 feet (measured) (record 535.82 feet)

to the Northwest corner of Winfield Scott Plaza unit Two, according to Book 67 of Maps, page 41, records of Maricopa County;

Thence South 89 degrees 33 minutes 19 seconds East, along the North line of said Winfield Scott Plaza Unit Two, which North line is also the South line of Winfield Scott Plaza Unit Three, according to Book 70 of Maps, page 49, Maricopa County Records, 56.00 feet to a point on the Easterly right-of-way line of Scottsdale Road, said point being the point of beginning;

Thence North 00 degrees 07 minutes 06 seconds East, along said Easterly right-of-way line of Scottsdale Road, 40.00 feet to the Southwest corner of Lot 96 of said Winfield Scott Plaza Unit Three;

Thence South 89 degrees 33 minutes 19 seconds East (measured) (record South 89 degrees 42 minutes 10 seconds East) along the South line of said Lot 96, its Easterly prolongation, and along the South line of Lot 105 of said Winfield Scott Plaza Unit Three, 123.40 feet to a point on last said South line which lies North 89 degrees 33 minutes 19 seconds West (measured)(record North 89 degrees 42 minutes 10 seconds West) 52.64 feet from the Southeast corner of said Lot 105;

Thence North 00 degrees 28 minutes 09 seconds East, 36.34 feet;

Thence South 89 degrees 31 minutes 51 seconds East, 22.02 feet;

Thence North 00 degrees 26 minutes 41 seconds East, 25.57 feet;

Thence South 89 degrees 33 minutes 00 seconds East, along the North line of Lot 104 of said Winfield Scott Plaza Unit Three and its Easterly prolongation, 70.21 feet to the Monument Line of Winfield Scott Plaza Street as shown on the plat of said Winfield Scott Plaza Unit Three;

Thence North 00 degrees 04 minutes 50 seconds East (measured) (record North) along said Monument Line, 19.87 feet;

Thence South 55 degrees 08 minutes 08 seconds East, 48.70 feet to a point on the West line of Lot 107 of said Winfield Scott Plaza Unit Three, from which point the Southwest corner of Lot 106 of said Winfield Scott Plaza Unit Three lies South 00 degrees 04 minutes 50 seconds West (assumed bearing), 54.21 feet;

Thence continuing South 55 degrees 08 minutes 08 seconds East, 34.17 feet to the point of curvature of a curve, concave Westerly, having a radius of 25.00 feet;

Thence Southerly, along the arc of said curve, through a central angle of 90 degrees 00 minutes 00 seconds, 39.27 feet to the point of tangency;

Thence South 34 degrees 51 minutes 52 seconds West, 0.15 feet to a point on the South line of said Lot 106, from which point the Southeast corner of Lot 115 of said Winfield Scott Plaza Unit Three lies South 89 degrees 35 minutes 15 seconds East, 141.77 feet;

Thence continuing South 34 degrees 51 minutes 52 seconds West, 182.88 feet to the point of curvature of a curve, concave Northwesterly, having a radius of 145.00 feet;

Thence Southwesterly, along the arc of said curve, through a central angle of 6 degrees 25 minutes 05 seconds, 16.24 feet to a point on the East line of Lot 84 of said Winfield Scott Plaza Unit Two;

Thence continuing along the arc of said curve, through a central angle of 40 degrees 15 minutes 45 seconds, 101.89 feet to a point on the Easterly prolongation of the South line of Lot 90 of said Winfield Scott Plaza Unit Two, which lies South 89 degrees 33 minutes 28 seconds East (measured) (record South 89 degrees 42 minutes 57 seconds East) 88.53 feet from the Southwest corner of said Lot 90;

Thence continuing along the arc of said curve, through a central angle of 08 degrees 14 minutes 12 seconds, 20.85 feet to the point of tangency;

Thence South 89 degrees 46 minutes 55 seconds West, 67.76 feet to a point on the Easterly right-of-way line of Scottsdale Road, which point is on the West line of Lot 91 of said Winfield Scott Plaza Unit Two, and which point lies South 00 degrees 07 minutes 06 seconds West (measured) (record South), 2.52 feet from said Southwest corner of said Lot 90;

Thence North 00 degrees 07 minutes 06 seconds East, along said Easterly right-of-way line, 174.64 feet to the point of beginning.

Parcel No. 3:

That part of the following described parcel designated and referred to as the "Subsurface Parcel" in that certain License Agreement recorded in Document No. 1989-407772, records of Maricopa County, Arizona:

That portion of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the intersection of the monument lines of Paradise Paseo (also known as 6th Avenue) and Winfield Scott Plaza as shown on the plat of Winfield Scott Plaza Unit Three recorded in Book 70 of Maps, page 49, Maricopa County Records;

Thence South 89 degrees 35 minutes 15 seconds East (assumed bearing) along the monument line of said Paradise Paseo, 82.96 feet;

Thence North 34 degrees 51 minutes 52 seconds East, 101.08 feet;

Thence North 55 degrees 08 minutes 08 seconds West, 50.00 feet to the point of beginning;

Thence South 34 degrees 51 minutes 52 seconds West, 48.51 feet to a point of non-tangent curvature of a curve, concave Southwesterly, whose radius point bears South 46 degrees 24 minutes 05 seconds West, 25.00 feet;

Thence Northwesterly, along the arc of said curve, through a central angle of 11 degrees 32 minutes 13 seconds, 5.03 feet to a point of tangency;

Thence North 55 degrees 08 minutes 08 seconds West, 182.07 feet;

Thence South 34 degrees 51 minutes 52 seconds West, 2.00 feet to a point of non-tangency curvature of a curve, concave Northeasterly, whose radius point bears North 34 degrees 51 minutes 52 seconds East, 610.00 feet, said curve hereinafter referred to as "Curve Number 1";

Thence Northwesterly, along the arc of said curve, through a central angle of 8 degrees 11 minutes 06 seconds, 87.14 feet;

Thence leaving the arc of said curve, on a radial bearing of North 43 degrees 02 minutes 58 seconds East, 100.00 feet to a point of non-tangent curvature of a curve, concave Northeasterly, concentric with said Curve Number 1, whose radius point bears North 43 degrees 02 minutes 58 seconds East, 510.00 feet;

Thence Southeasterly, along the arc of said curve, through a central angle of 08 degrees 11 minutes 06 seconds, 87.14 feet;

Thence leaving the arc of said curve, on a radial line of South 34 degrees 51 minutes 52 seconds West, 2.00 feet;

Thence South 55 degrees 08 minutes 08 seconds East, 182.07 feet to a point of curvature of a curve, concave Northeasterly, having a radius of 25.00 feet;

Thence Southeasterly, along the arc of said curve, through a central angle of 11 degrees 32 minutes 13 seconds, 5.03 feet;

Thence leaving the arc of said curve, on a non-tangential line South 34 degrees 51 minutes 52 seconds West, 48.51 feet to the point of beginning.

Parcel No. 4:

That part of the following described parcel designated and referred to as the "Air Parcel" in that certain License Agreement recorded in Document No. 1989-407772, records of Maricopa County, Arizona:

That portion of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the intersection of the monument lines of Paradise Paseo (also known as 6th Avenue) and Winfield Scott Plaza as shown on the plat of Winfield Scott Plaza Unit Three as recorded in Book 70 of Maps, page 49, Maricopa County Records;

Thence South 89 degrees 35 minutes 15 seconds East (assumed bearing) along the monument line of said Paradise Paseo, 82.96 feet;

Thence North 34 degrees 51 minutes 52 seconds East, 101.08 feet;

Thence North 55 degrees 08 minutes 08 seconds West, 36.00 feet to the point of beginning;

Thence South 34 degrees 51 minutes 52 seconds West, 60.00 feet;

Thence North 55 degrees 08 minutes 08 seconds West, 80.00 feet;

Thence North 34 degrees 51 minutes 52 seconds East, 120.00 feet;

Thence South 55 degrees 08 minutes 08 seconds East, 80.00 feet;

Thence South 34 degrees 51 minutes 52 seconds West, 60.00 feet to the point of beginning;

Except that part lying within the hereinabove described Parcel Numbers 1 and 2.

Parcel No. 5:

A non-exclusive easement for ingress and egress and utilities as set forth in that certain "Easement Agreement" recorded July 5, 2000, in Document No. 2000-0513273, Official Records of Maricopa County, Arizona, over the following described property:

That parcel of land situated in a portion of the Northwest quarter of the Northwest quarter of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northwest corner of Lot 8, Shoeman Tract, according to Book 42 of Maps, page 31, records of Maricopa County, Arizona;

Thence South 00 degrees 09 minutes 00 seconds West, along the West line of said Lot 8, 15.00 feet to a point on the South right-of-way line of Shoeman Lane;

Thence South 89 degrees 37 minutes 13 seconds East, along said right-of-way line, 13.87 feet to the point of beginning;

Thence continuing South 89 degrees 37 minutes 13 seconds East, along said right-of-way line, 16.69 feet;

Thence South 00 degrees 40 minutes 45 seconds West, 98.97 feet;

Thence South 44 degrees 15 minutes 45 seconds East, 11.56 feet;

Thence South 00 degrees 31 minutes 17 seconds West, 29.13 feet to a point on the South line of said Lot 8, Shoeman Tract;

Thence North 89 degrees 32 minutes 34 seconds West, along said South line, 37.56 feet to the Southwest corner of said Lot 8;

Thence North 00 degrees 09 minutes 00 seconds East, along the West line of said Lot 8, 2.18 feet;

Thence North 55 degrees 33 minutes 30 seconds East, 9.83 feet to the beginning of a tangent curve, concave Northwesterly and having a radius of 10.00 feet;

Thence Northeasterly, along the arc of said curve to the left, through a central angle of 54 degrees 43 minutes 04 seconds, an arc distance of 9.55 feet;

Thence North 00 degrees 50 minutes 06 seconds East, 120.36 feet to a point on the South right-of-way line of said Shoeman Lane and the point of beginning.

Parcel No. 6:

A non-exclusive easement for ingress and egress and utilities as set forth in that certain "Easement Agreement" recorded July 5, 2000, in Document No. 2000-0513273, Official Records of Maricopa County, Arizona, over the following described property:

That parcel of land situated in a portion of the Northwest quarter of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Southeast corner of Lot 10, Shoeman Tract, according to Book 42 of Maps, page 31, Maricopa County Records, and the point of beginning;

Thence North 89 degrees 32 minutes 34 seconds West, along the South line of said Lot 10, 42.94 feet;

Thence North 64 degrees 27 minutes 09 seconds East, 2.12 feet to the beginning of a tangent curve, concave Northwesterly and having a radius of 16.92 feet;

Thence Northeasterly, along the arc of said curve to the left, through a central angle of 64 degrees 36 minutes 24 seconds, an arc distance of 19.08 feet to the beginning of a reverse curve, concave Easterly and having a radius of 59.50 feet;

Thence Northeasterly, along the arc of said curve to the right, through a central angle of 37 degrees 25 minutes 44 seconds, an arc distance of 38.87 feet;

Thence North 37 degrees 16 minutes 29 seconds East, 32.03 feet to a point on the East line of said Lot 10 and the West line of Camelback Park Plaza, according to Book 86 of Maps, page 13, Maricopa County Records;

Thence continuing North 37 degrees 16 minutes 29 seconds East, 13.24 feet to a point on the West line of Tract "B" of said Camelback Park Plaza;

Thence South 00 degrees 06 minutes 23 seconds West, along the Southerly prolongation of the West line of said Tract "B", 88.85 feet to a point on the South line of said Camelback Park Plaza;

Thence North 89 degrees 32 minutes 34 seconds West, along said South line, 8.00 feet to the Southeast corner of said Lot 10 and the point of beginning;

EXCEPT the East 8.00 feet as measured along the South line thereof.

Parcel No. 6A:

A non-exclusive easement for ingress and egress and utilities as set forth in that certain "Easement Agreement" recorded March \_\_, 2006, in Document No. 2006-\_\_\_\_\_, Official Records of Maricopa County, Arizona, over the following described property:

That parcel of land situated in a portion of the Northwest quarter of the Southwest quarter of Section 23, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

The East 37 feet of Lot 10, as measured along the South line thereof, of Shoeman Tract, according to Book 42 of Maps, page 31, records of Maricopa County, Arizona.



# Development Application



## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Land Divisions
<input checked="" type="checkbox"/> Rezoning (ZN)	<input checked="" type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Wash Modification (WM)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	<b>Other</b>
<input checked="" type="checkbox"/> Development Agreement (DA)	<b>Wireless Communication Facilities</b>	<input type="checkbox"/> Annexation/De-annexation (AN)
<b>Exceptions to the Zoning Ordinance</b>	<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	<b>Signs</b>	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	<b>Other Application Type Not Listed</b>
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other: _____

Project Name: Marquee

Property's Address: 4315 N. Scottsdale / 7280 E. Stetson (The Galleria)

Property's Current Zoning District Designation: D/RCO-2, PBD, DO

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: Stockdale Galleria Project Owner, LLC	Agent/Applicant: George Pasquel III
Company: Stockdale Capital Partners	Company: Withey Morris, PLC
Address: 4343 N. Scottsdale Rd, Suite 180	Address: 2525 E AZ Biltmore Circle, Phx, AZ 85016
Phone: 480.949.3200 Fax: N/A	Phone: 602.230.0600 Fax: N/A
E-mail: BOBrien@StockdaleCapital.com	E-mail: George@WitheyMorris.com
Designer: Davis	Engineer:
Company: Mike Edwards	Company:
Address: 74 E Rio Salado Parkway, Suite 200	Address:
Phone: 480.638.1125 Fax: N/A	Phone: Fax:
E-mail: MEdwards@thedavisexperience.com	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.



**Enhanced Application Review:**

I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.



**Standard Application Review:**

I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature

Shawn Yari

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • www.ScottsdaleAZ.gov

Development Application

Page 1 of 3

Revision Date: 5/10/2018

# Development Application

## Review Methodologies



### **Review Methodologies**

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

#### **1. Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

#### **2. Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

#### **Note:**

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

## **Planning and Development Services**

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# Development Application

## Arizona Revised Statutes Notice



### **§9-834. Prohibited acts by municipalities and employees; enforcement; notice**

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

## **Planning and Development Services**

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# Request for Site Visits and/or Inspections

## Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 475 -PA- 2018

Project Name: Marquee

Project Address: 7280 E Stetson / 4315 N Scottsdale (the Galleria)

### STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

### STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: Shawn Yari  
Print Name

  
Signature

### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

### Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)



STOCKDALE  
CAPITAL PARTNERS

February 15, 2019

City of Scottsdale  
Planning and Development Services  
7447 E. Indian School Road  
Scottsdale, Arizona 85251

Re: Authorization – 7280 E. Stetson Drive / 4315 N. Scottsdale Road, Scottsdale, Arizona (APN No. 173-41-266, -267, -268, and -269)

To whom it may concern:

Please accept this letter as authorization for Withey Morris, PLC to file applications for land use entitlements for the above reference property. I hereby certify that I am the property owner and / or authorized agent of property owner and have the authority to grant this authorization.

Sincerely,  
Stockdale Galleria Project Owner, LLC

By: \_\_\_\_\_  
Shawn Yari

It's: Managing Principal